

Appl. No. 10/006,452  
Resp. dated March 30, 2004

Reply to Office Action of March 24, 2004

### **REMARKS**

The March 24, 2004 Final Office Action allowed claims 1-19 and rejected claims 20-56 pending in the application. This Response presents arguments in favor of allowing claims 20-56, and respectfully requests the withdrawal of the Section 103 rejections.

### **Allowable Subject Matter**

The Final Office Action indicates claims 1-19 are allowed over the prior art of record.

### **Claim Rejections**

Claims 20-23 and 29-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beerman, Jr. et al., U.S. Patent No. 6,084,952, issued July 4, 2000 in view of Judson, U.S. Patent No. 5,572,643, issued November 5, 1996. Claims 24-28 and 31-56 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beerman, in view of Judson, and in further view of Dunn et al., U.S. Patent No. 5,651,054, issued July 22, 1997. For the following reasons Applicant respectfully traverses these rejections.

### **Primary Reference – Beerman Jr. et al.**

In general, Beerman discloses a cost-conscious, low maintenance system for communicating electronic messages by acoustic coupling, between a remote device and a messaging server over standard telephone lines. More particularly, Beerman discloses acoustically coupling the remote device to a handset receiver of a telephone connected to the telephone network. As shown in Beerman Figure 2, the remote device 12 includes a communication subsystem 38 having a speaker 46 and a microphone 44. Basically, the user places the speaker and microphone of the remote device in close proximity to a handset 52 of telephone 14 to facilitate the acoustical coupling. For example, *"speaker 46 [of remote device 12] is acoustically coupled to mouthpiece 50 of telephone handset 52 and transmits acoustical tones generated by remote device 12 to messaging server 18 via telephone network 16. Likewise, microphone 44 is acoustically coupled to earpiece 48 of handset 52 and receives acoustical tones transmitted by messaging server 18. Speaker 46 and microphone 44*

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*are adjustable to facilitate coupling with handsets of different shapes and sizes."*  
Beerman, column 7, lines 14-22.

The messaging server includes a *store and forward* feature that *stores* messages for a recipient and upon authorization *forwards* the message to a remote device. In this context, the messaging server may include a Domain Network Server (DNS) 98 and a Web Server 100. The DNS server allows the messaging server to communicate with other network nodes by mapping machine names to Internet addresses and vice versa; thus, permitting the messaging server to store messages for the recipient received from other network nodes. The user may access the messaging server via a web page to perform a variety of tasks such as setting/modifying user preferences, setting/modifying connection configuration parameters, and checking account related information. (Column 10, lines 27-38) However, it should be realized that user access to the web page does not permit the user to receive messages since this can only be done by transmission of acoustical tones using a telephone handset, not by viewing a web page.

The electronic messages include *non-real time stored messages* such as facsimile messages and email messages. In fact, the Beerman system is impractical for real time live communication between the message server and the remote device because the data exchange between the remote device and messaging server is half-duplex, implying that either the remote device or the messaging server is transmitting on the connection at a given time, but never both at the same time, as in a live telephone call. (See *e.g.*, column 10, lines 52-53) After the session is terminated, i.e., all acoustical tones are transmitted, processing of the downloaded messages begins. This messaging processing is done *after the session is terminated* to reduce the amount of connection time between the remote device and the messaging server, which directly translates to reduced telecommunication costs for the user. (Column 12, lines 42-50)

#### **Secondary Reference – Judson**

In general, Judson's primary object of the invention is to enhance the operation of a web browser by causing the display of useful information during the period of "downtime" that occurs between linking and downloading of a hypertext document.

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Such information includes advertisements, messages, fill-in forms, and copyright notices. (See e.g., column 1, lines 59-67) The method begins as a web page is being displayed on a HTML-compliant device. The web page must have at least one link to a hypertext document preferably located at a remote server. In response to the user clicking on the link, the link is activated by the browser to thereby request downloading of the hypertext document from the remote server to the client device. While the user waits for the document to download, the browser displays the informational messages. Thus, the "time" period normally associated with the download is productive for both the user (since he or she no longer has to sit and wait for the display) as well as to the content provider. (Column 2, lines 25-44)

**Claims 20-23 and 29-30**

The Examiner contends that it would have been obvious to combine the teachings of Judson with Beerman, and that Applicant's invention as claimed would result. Applicant respectfully disagrees.

Applicant submits that there is no motivation or suggestion to combine Judson with Beerman and, in fact, the disclosures teach away from such a combination. For example, a primary focus of the Beerman system is to obviate the need for phone jack connections or additional costs associated with wireless service providers to send or receive electronic messages. (See e.g., column 2 line 65 to column 3; column 4 lines 11-18) In addition, the Beerman system describes one advantage over conventional messaging systems is the minimal amount of connection time needed to transfer information between the remote device and the messaging server, specifically because *all processing of information is done after the session between the remote device and the messaging server is terminated.* (See e.g., column 4 lines 19-27; column 12 lines 42-50)

In contrast to Beerman, Judson requires live activation to a web page and link for the informational messages to appear. In other words, the Judson disclosure demands long connection times or else the display of informational messages during download time would be unnecessary. Judson further requires a visual display in order to see the messages while a web browsing session is activated. Beerman does not disclose any visual displays, only acoustical, and in fact, due to the primary focus of

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Beerman (low cost, low maintenance, fast, easy to use, etc.), it is doubtful that a visually required teaching would fit into this system. Once the Judson session is terminated, the Judson system has no applicability, which is contrary to Beerman, which does all processing after the session is terminated. Further, Beerman discloses, teaches and suggests only accessing stored facsimile and email messages, and fails to suggest using a web browser for any messaging purposes whatsoever (stored or live). The only "web page" reference in the Beerman disclosure is to configure personal settings and does not include any "real-time" messaging. In fact, the Beerman remote device is not even mentioned as a participant in the web page setting embodiment.

Thus, Applicant submits that there is no motivation or suggestion to combine the "enhanced" operation of the Judson web browser with the low cost, low maintenance, dial-up messaging system of Beerman. Even if the proposed combination of Judson and Beerman were made, as suggested by the Examiner, Applicant's invention as claimed would not result. For instance, Beerman alone or in combination with Judson fails to teach, suggest or disclose during a session, the remote device receives the textual display of a telephone-related event via a dynamic GUI website, and a function key of the remote device enables management of the event, as recited in Applicant's independent claim 20.

Accordingly, Applicant respectfully requests the withdrawal of the Section 103 rejection to claim 20. For among the same and additional reasons, Applicant requests the withdrawal of the Section 103 rejections to claims 21-23 and 29-30, which depend from claim 20.

#### **Claims 24-28 and 31-56**

#### **Tertiary Reference – Dunn et al.**

In general, Dunn discloses a method for monitoring live messages in a voice mail system as they are being recorded. In other words, the called party is able to monitor a message at the very time the message is being left by a caller. Upon system notification that a caller is leaving a voice mail message, the caller can "jump into" the message as it is being recorded and listen to the message in real time (however, in some cases there is up to a 5 second delay). If the caller wishes to interrupt the calling

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party and speak to them, the caller instructs the system to receive the call, otherwise the calling party completes the voice message. The voice sounds from the caller are converted from analog to digital and output by a voice board in packets of 1K, thereby explaining the minimal delay to the called party while they wait for the first packet to be received.

The Examiner contends that it would have been obvious to combine the teachings of Beerman, Judson and Dunn, and that Applicant's invention as claimed would result. Applicant respectfully disagrees.

As a preliminary matter, Applicant submits that there is no motivation or suggestion to combine Judson with Beerman and therefore, the further combination of Beerman, Judson and Dunn is also not suggested by the cited references. Accordingly, Applicant requests the withdrawal of the Section 103 rejections to claims 24-28. In addition, as previously pointed out, Beerman processes all messaging information after the session is terminated, thereby avoiding lengthy connection times. In contrast, Dunn requires current connection or "live" session time to monitor the incoming voice messages. In fact, without a live or currently-being-recorded voice message, the monitoring aspect of Dunn would be useless, there would be no call to "jump-into." Simply put, Beerman teaches only accessing stored messages and Dunn requires real-time messages. Moreover, Beerman and Judson fail to teach, suggest or disclose any "live" or "real-time" calling party or callers, as required by Dunn.

Thus, Applicant submits that there is no motivation or suggestion to combine the teachings of Beerman, Judson and Dunn, and even if the combination were made, as suggested by the Examiner, Applicant's invention as claimed would not result. For instance, Beerman, alone or in combination with Judson and Dunn, fails to teach, suggest or disclose during a session, a device having conversion software for bi-directional conversion of data transceived between the device and the web server, displays a dynamic GUI website, and receives a telephone call in real-time, as recited in Applicant's independent claim 31. Further, Beerman, alone or in combination with Judson and Dunn, fails to teach, suggest or disclose constructing a web page model of a telephone viewable on a remote client, the model comprising a representation of a plurality of functions available on the telephone, and updating the telephone functions

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in accordance with any alterations made from the web page model of the telephone, as recited in Applicant's independent claim 39.

Accordingly, Applicant respectfully requests the withdrawal of the Section 103 rejections to claims 31 and 39. For among the same and additional reasons, Applicant requests the withdrawal of the Section 103 rejections to claims 31-38 and 40-56, which depend from claims 31 and 39, respectively.

### CONCLUSION

In view of the foregoing, Applicant respectfully requests consideration of the above remarks, withdrawal of the Section 103 rejections, and issuance of a timely Notice of Allowance. Should the Examiner wish to discuss any of the above in greater detail or deem that amendments should be made to improve the application, then the Examiner is invited to contact the undersigned at the Examiner's convenience.

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Respectfully submitted,  
Inter-Tel, Inc.

By: Michelle R. Whittington

Michelle R. Whittington, Esq.  
Intellectual Property Counsel  
Reg. No. 43,844

#### INTER-TEL, INC.

7300 W. Boston St.  
Chandler, AZ 85226  
Direct: (480) 961-9000 x21352  
Facsimile: (480) 961-8073  
Email: michelle\_whittington@inter-tel.com